

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

JUL 18 2005

JOHN F. CORCORAN, CLERK
BY *[Signature]*
DEPUTY CLERK

MAURICE HAWKINS,
Plaintiff,

v.

RUTH HALE,
Defendant.

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Civil Action No. 7:05-CV-00217

MEMORANDUM OPINION

By: Hon. Glen E. Conrad
United States District Judge

Plaintiff Maurice Hawkins, a Virginia inmate located at Red Onion State Prison (ROSP) and proceeding pro se, filed a motion for reconsideration pursuant to Fed. R. Civ. P. 60(b). In his motion, Hawkins requests reconsideration of this court's April 13, 2005 order dismissing Hawkins's civil rights action pursuant to 42 U.S.C. § 1983. Hawkins claims that the defendant neglected her duty by failing to prosecute officers and that this states a federal constitutional claim because of 28 U.S.C. § 631(i). However, this statute refers to federal and not state magistrate judges. Hawkins further alleges that the defendant knew that she was not following the law and is thus responsible for the alleged retaliatory actions of the officers. However, Hawkins has provided no evidence to suggest that the defendant acted improperly or that the defendant acted in concert with the officers. Because Hawkins has failed to show that this court's April 13, 2005 order was in error, it is hereby

ADJUDGED and ORDERED

that plaintiff's motion for reconsideration (Docket #8) shall be and hereby is **DENIED**.

The Clerk of the Court is directed to send a certified copy of this Order to the plaintiff.

ENTER: This 18th day of July, 2005.

[Signature]
UNITED STATES DISTRICT JUDGE